

REMARKS/ARGUMENTS

Claims 20-31 and 36-40 were pending in this application, of which claims 26 and 27 were withdrawn from consideration. Claims 20, 21, 24, 25, 31, 36, and 40 have been amended. New claims 42-43 have been added, and claim 23 has been canceled. Hence, claims 20-22, 24-31, 36-40, and 42-43 remain pending, of which 20-22, 24, 25, 28-31, 36-40, and 42-43 are under consideration. Support for the present amendments may be found throughout the specification and original claims, *e.g.*, claim 23, Para. [0040], [0044], [0045], *etc.* As such, entry of the present amendment and reconsideration of the subject application as amended is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 20-25, 31, 36 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 5,675,853 to Linge (hereinafter “Linge”), in view of the cited portions of U.S. Patent No. 5,546,620 to Matthews (hereinafter “Matthews”). In this regard, the Examiner acknowledges that Linge does not disclose “arms that face each other.” *Office Action mailed April 18, 2006*, page 2. However, in support of the rejection, the Examiner cites to Matthews and asserts that it would have been obvious to one of skill in the art to modify the teachings of Linge “such that the well widens as it extends away from the rounded ends of the curved arms such that the arms generally face each other.” *Id.*, page 3. This rejection is respectfully traversed for at least the reasons which follow.

Claims 28-30 and 37-39 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Linge, in view of Matthews, as applied to claims 20-25, 31, 36 and 40. In this regard, the Examiner acknowledges that Linge does not disclose the specifically claimed height and width ranges of the medial region and arms as required by the claims. However, in support of the rejection, the Examiner alleges that such ranges would have been an obvious matter of design choice. Again, this rejection is respectfully traversed.

The present claims all relate to a baby holding device comprising a pillow body including a medial region and two opposed curved arms. The baby holding devices of the claims further include a securing system operably coupled to the pillow body. In one embodiment, the

securing system comprises a seat coupled to the pillow body and disposed within the well region, and a center holding strap extending from the seat. In another embodiment, the securing system comprises a center holding strap extending within the inner well region to form a seat. In both embodiments, the center holding strap is placed around at least a portion of the baby's torso, and is operably coupled directly back to the pillow body.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The teaching or suggestion to make the claimed combination must be found in the prior art, and not be based on applicants' disclosure. *See M.P.E.P.* §§2143.01 and 2143.03.

Linge discloses a cushion with a rectangular resilient cushion portion having a generally central depression extending across the majority of the cushion. Linge also discloses that the cushion may be provided with a removable and washable changing pad securable to the underside of the cushion for storage. As disclosed, the underside of the cushion of Linge may be used as storage for a removable changing pad.

The cushion of Linge may include a harness, removably securable to the cushion within the depression, adjacent the open first end. The harness is generally T-shaped and includes waist retention means, comprising opposite first and second waist straps which form a cross-member of the T and secure together with mating portions. The stem of the T shaped harness comprises a crotch support, securable to the two ends of the waist straps by further mating portions. Thus, the waist straps and crotch support may be secured about the waist or lower torso and crotch of an infant to ensure an infant does not slip from the depression. See *Linge*, Col. 5, line 55 - Col. 6, line 9.

Taken as a whole, it is submitted that one of skill would not look to combine the teachings of Linge and Matthews so as to arrive at the presently claimed curved configuration, or to arrive at the claimed optimal ranges. The cushion as taught by Linge is rectangular in shape, and is described as supporting a changing pad and blanket. Based on such teachings, one of skill in the art would not be motivated to arrive at a configuration comprising curved arms with

rounded ends that are spaced apart from each other so as to generally face each other. Further, such a curved configuration would not achieve an intended purpose of the disclosed cushion taught by Linge. In fact, Linge was aware of C-shaped support pillow configurations from a related Matthews disclosure, and stated that such cushions did not provide, in part, a “changing pad, removable blanket, or storage means.” See *Linge*, Background of the Invention, Col. 2, Lines 54-65. In this regard, it is submitted that Linge in fact teaches away from a curved configuration based on the teaching of the incorporation of a changing pad, removable blanket, storage means, *etc.*, in that a curved configuration with rounded ends spaced apart so as to generally face each other would not be generally expected to accommodate a changing pad surface, removable blanket, *etc.*

Further, absent a curved orientation, one of skill in the art would not arrive at the specially claimed ranges, as one of skill would not be lead to select height and width ranges based on a curved configuration, much less to select the specifically claimed height and width ranges.

Nonetheless, even assuming *arguendo*, that one would look to combine the teachings of Linge and Matthews, it is submitted the combined teachings still fail to teach or suggest each and every limitation of the present claims. For instance, the alleged securing system of Linge does not comprise a seat coupled to the pillow body and disposed within the well region, and a center holding strap extending from the seat, nor does it comprise a center holding strap extending within the inner well region to form a seat, as required by the various independent claims of the present application. Rather, the depression of the cushion of Linge is formed to provide support to the infant, *i.e.*, a seat, while within the alleged baby holding device, and the alleged securing system is removably secured to the first open end of the depression. Moreover, the alleged securing system of Linge does not include a center holding strap that placed around at least a portion of the baby’s torso, and is operably coupled directly back to the pillow body. Rather, the harness of Linge is an independent, removable system that completely integrated with itself. It includes a crotch support which is securable to two waist straps to form an enclosed support harness, which is then itself removably securable to the open first end of the depression of the cushion of Linge.

Appl. No. 10/813,877
Amdt. dated August 17, 2006
Reply to Office Action mailed May 18, 2006

PATENT

For at least these reasons, it is submitted that the claims are patentable over Linge in view of Matthews, and withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: August 17, 2006

/Milan M. Vinnola/
Milan M. Vinnola
Reg. No. 45,979

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300

60789212 v2